

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 29, 2015
SUBJECT: BZA Case 19076, 1544 9th Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 330.5, Use Variance (restaurants not permitted, restaurant use proposed)

Subject to the following conditions proposed by the applicant:

1. All trash and recyclables shall be stored within the fenced rear yard, with collection from Q Street only. Collection of all refuse shall take place only between 9:00 a.m. and 9:00 p.m. to avoid disturbing adjacent residential neighbors. No recyclables shall be placed within dumpsters between 9:00 p.m. and 9:00 a.m. to protect adjacent residential neighbors from excessive noise.
2. No outdoor seating or parking shall be permitted within rear yard.
3. Only the evening meal shall be served, by reservation only, with no more than two seatings per evening. One table may be left open each evening for neighborhood residents without a reservation.

II. LOCATION AND SITE DESCRIPTION

Address	1544 9 th Street, N.W.
Legal Description	Square 365, Lot 813
Ward	6E
Lot Characteristics	Rectangular corner lot with no alley access
Zoning	R-4 – row houses, flats and conversions
Existing Development	Two-story commercial building
Historic District	Shaw
Adjacent Properties	North: Across Q Street, Carter G. Woodson Memorial Park South: Carter G. Woodson Home East: Across 9 th Street, flats and row houses West: Row houses

Surrounding Neighborhood Character	The surrounding neighborhood is primarily a mixture of residential, commercial and institutional uses.
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III. APPLICATION IN BRIEF

The applicant proposes to establish a fine dining restaurant within the existing building, occupying both floors of the building. There would be two seatings per evening, by reservation only, and fifteen to twenty courses served per meal. Each seating would last approximately three hours.

No off-street parking is required for the site due to its location within a historic district. Valet parking would be provided for patrons that arrive by private automobile.

There would be no outdoor seating. The rear yard would be used for the storage of refuse prior to collection and for the growing of herbs and vegetables for use by the restaurant.

IV. OFFICE OF PLANNING ANALYSIS

Variance Relief from § 330, R-4 General Provisions, to permit a restaurant

i. Exceptional Situation Resulting in Undue Hardship

The subject property was originally constructed as a mixed-use building with retail on the first floor and residential on the second and later converted to an all commercial building. Although the building was most recently used as the applicant's residence, the building was not modified significantly to accommodate residential use, but instead temporarily rehabbed with the second floor divided into two large rooms with a kitchen on the first. Complete conversion of the building into a residential row house or flat would require substantial renovation and refitting of the building with marketable residential features that do not currently exist.

ii. No Substantial Detriment to the Public Good

Although the subject property is located within the R-4, as is almost the entire square with the exception of the original church building at the corner of 9th and P streets, there are only two lots within the square used residentially. The three adjoining lots to the south are proposed to be renovated into a museum, the Carter G. Woodson Home and Historic Site, and are currently under renovation. With the exception of one other lot fronting 9th Street that is used commercially, the remainder of the lots within the square fronting on 9th Street are owned and used by Shiloh Baptist Church, an institutional use. The entire 10th Street frontage and a portion of Q Street are occupied by Seaton Elementary School, also an institutional use. Only the two lots located to the rear of the subject property, each improved with a flat, are used residentially.

All restaurant patrons would be required to make reservations and pay online ahead of time. By requiring reservations the applicant would eliminate the need for patrons to wait in line outside of the restaurant before obtaining seating, minimizing the impact on the neighborhood. However, one table would be made available each evening for neighborhood residents without a reservation. To minimize impact on the residential buildings to the rear and the west of the subject property, the applicant

should be required to properly store all refuse generated by the restaurant within the rear yard. Collection of refuse and the outside placement of recyclables into dumpsters should be limited to the hours of 9:00 a.m. to 9:00 p.m. to minimize the impact of noise on the adjacent residential properties to the rear. There should be no outdoor seating within the rear yard, also to minimize the impact on the adjacent residential structure.



Rear Yard adjacent to Side of Residential Flat on Q Street, N.W.

iii. No Substantial Harm to the Zoning Regulations

Restaurants are not permitted within the R-4, either as a matter-of-right or by special exception. However, the subject building was originally constructed to accommodate commercial use on the first floor and the second floor was modified for commercial use. The front of the building would face a street with a mixture of uses, none of which are residential. Therefore the introduction of this restaurant use amidst mostly commercial and institutional uses would have a minimal impact on this R-4 District.

The Historic Preservation Office had no comments on the application, but indicated that there can be no modifications to the exterior, including the addition of signage, without a permit.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from any District agencies.

VI. COMMUNITY COMMENTS

ANC 6E, at its regularly scheduled meeting of September 1, 2015, voted in support of the application.

No other community comments were received.

Attachment: Location Map

